

# EXHIBIT E

Transcript of the Testimony of  
**Juliene Harrod**

**Date:**

March 27, 2019

**Case:**

STACEY ODDO vs UNION PACIFIC RAILROAD

1 Q. Are those documents mentioned in any of your  
2 title work or survey work?

3 A. I don't believe they're listed in John's  
4 stuff, but I think they do pertain.

5 Q. John -- and by that John, you mean John Cones?

6 A. John Cones.

7 Q. Not John Burkland?

8 A. Yes. Yes. I'm sorry.

9 Q. But they do pertain to the property?

10 A. I believe so.

11 Q. And do you have copies of those documents?

12 A. I do.

13 Q. Do you have them with you?

14 A. I have some of them with me, yes.

15 Q. And they're from -- and they were grants from  
16 someone named Tod?

17 THE WITNESS: Do you remember their first  
18 name? Oh, you can't speak. I'm sorry.

19 A. Yes. Tod, the last name, and it's like T-O-D,  
20 Tod.

21 Q. (BY MS. SANDS) But they're not in the title  
22 work or the survey work?

23 A. Yes. They're in the title work as far as what  
24 I was going over myself. They're not specifically  
25 listed in the title work from Courthouse Specialists.

1 Courthouse Specialists, first, could not  
2 find the railroads, but then counsel was able to find  
3 some documents that pertained to the railroad, and then  
4 Courthouse Specialists provided us with some more  
5 documents to the railroad.

6 Q. So how would I -- like what of the materials  
7 that you -- that have been provided to me from you as  
8 the surveyor and -- and Mr. Cones as the title work  
9 would tell me that those documents pertain to the Oddo  
10 and Burkland property?

11 A. Well, they talk about the 450 acres that I  
12 believe some of this was all part of. And you have to  
13 go way back because it mentions tracts of land that  
14 nobody knows exactly where they are, but when you start  
15 running the chain of title down, then you start finding  
16 out, oh, hey, that was part of this Sam Allen piece or  
17 that was part of this piece over here.

18 It's just a matter of trying to read  
19 those deeds and put them together. And a lot of times  
20 we get a lot more information than what we asked for,  
21 and you have to try and sift through it and see if it's  
22 helpful. And a lot of times it is. A lot of times  
23 it's not.

24 Q. So other than recreating what you did, how  
25 would I -- what could I look at in -- in your material

1 that would tell me that the Tod deeds pertain to these  
2 lots?

3 A. I think you would just have to look at the Tod  
4 deeds yourself, and I don't know that that deed by  
5 itself would particularly say that it does.

6 Q. Okay. So how do you know looking at the Tod  
7 deeds that it relates to the railroad and relates to  
8 these lots?

9 A. I don't know that for a fact. It crosses, I  
10 believe, a 450-acre tract that was one of the original,  
11 what they called subdivisions of the Ritson Morris  
12 league.

13 They mention a map, which nobody seems to  
14 be able to find, and then there was a sketch of it  
15 somewhere, but they talk about the railroad running  
16 through the Ritson Morris. And the Ritson Morris  
17 league, you can determine where that's at.

18 Q. Is this the deed that you're talking about,  
19 ma'am? I'm going to mark this as No. 23.

20 (Harrod Exhibit No. 23 was marked.)

21 Q. (BY MS. SANDS) And for the record, it has in  
22 the left-hand kind of margin of the actual document  
23 No. 2942, and it's Bates labeled page four from the  
24 plaintiffs.

25 A. Yes.

1 A. Correct.

2 Q. And you are unable to definitively apply 2942

3 to any of the lots, which is Exhibit --

4 A. The Tod.

5 Q. -- 23?

6 A. Yes.

7 Q. Now, when you did the -- the work in this  
8 case, plaintiffs' counsel did not ask you to do a  
9 railroad survey to survey the Seabrook industrial lead  
10 at issue in this case?

11 A. I was not asked to do a survey of any  
12 property.

13 Q. Okay. Good clarification. Sorry. You were  
14 not asked to have title run or do a drawing of the  
15 railroad easement in this case. Correct?

16 A. Well, the railroad easement, yes, just as far  
17 as it was the adjoiner to what we were doing, and it's  
18 called for, you know, in some documents.

19 To actually do a ownership map of the  
20 actual railroad, surveyors don't give title opinions.  
21 So all I could do is the same thing; list, go through,  
22 get research, rely on what they send me as to who owns  
23 whatever.

24 It's not my job to determine who owns it.  
25 I just need to determine the boundaries of the property

1 if we're doing a boundary survey.

2 Q. Okay. And you rely -- relied on Courthouse  
3 Specialists, specifically John Cones, to do that for  
4 you?

5 A. Yes.

6 Q. Okay. And -- and you were not asked to give a  
7 broader view of the railroad easement grant outside of  
8 the relation to these specific lots. Correct?

9 A. Correct.

10 Q. Okay. You -- you mentioned earlier that you  
11 asked Mr. Cones to pull the -- any of the easement  
12 grants that he could find in relation to these  
13 properties. Is that correct?

14 A. Yes.

15 Q. Okay. So he has pulled and identified any  
16 easement grants. Do you know how he did that process?  
17 Let me ask you that.

18 A. I've never been to where they run their  
19 records. Normally, they have some type of a hard copy  
20 plant or online plant, and they'll search them.  
21 They're probably separated by parent tracts or by  
22 surveys, meaning the Ritson Morris whole entire league  
23 and whoever adjoins it.

24 They're probably broken down in larger  
25 parent tracts, and they run those records. I have no

1 idea. They have run --

2 Q. Okay.

3 A. -- sheets that show ownership transactions  
4 back and forth. They have all the information from  
5 minerals and easements and things like that that you  
6 don't normally get online in Harris County.

7 Q. Okay. So do you know if he pulled only the  
8 easements that were granted by the Oddos or the  
9 Burklands or whether he may have grant -- pulled the  
10 easements granted by anyone on that property?

11 A. He would have pulled the easements granted by  
12 anyone on these tracts of land because he was asked to  
13 do the ownership back from -- this started in 1888, for  
14 example, on the nine acres. So he would have pulled  
15 easements that affected all of these documents that he  
16 listed.

17 Q. Okay. Okay. And so to talk -- I need to talk  
18 to him to understand exactly what he did and whether or  
19 not this document ever came up in anything he did?

20 A. Correct.

21 Q. Okay. Now -- and I'm sorry. This is probably  
22 duplicative, but had you seen this document before to  
23 your knowledge?

24 A. No.

25 Q. Okay.